



TOWN OF LEXINGTON
PLANNING OFFICE

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To: Lexington Planning Board

Re: 12 Summit Road: Definitive Public Benefit Special Permit Residential Development

Date: November 24, 2021

Property Information	
Project Address	12 Summit Road
Parcel ID	Map 84, Lot 40A
Applicant/Owner Name	12 Summit Road LLC
Type of Review	Definitive Public Benefit Special Permit Residential Development

Important Dates/Timelines	
File with Town Clerk	October 27, 2021
Filed with Health	November 15, 2021
Development Review Team Meeting	November 17, 2021
Public Hearing date – with 65 days of filing	December 1, 2021
Decision Deadline 90 days following date of public hearing	March 1, 2021
Appeal Period	20 days from the date the decision has been filed with the Town Clerk

Approval Information	
Action Required at Decision Deadline	The Planning Board may vote to grant, grant with conditions, or deny a special permit.
Applicability	Per Town Code Chapter §135-6.9.2 a special permit residential development is a project in which one or more lots, tracts, or parcels of land are to be improved for use as a coordinated site for housing. No special permit residential development shall be initiated without first obtaining a special permit in accordance with the provisions of this section. The purpose of the special permit is to provide detailed review of residential developments that have a substantial impact upon the character of the Town, adjacent residential areas and the provision of public facilities and services.

	Per Town Code Chapter 135 §6.9.3 a public benefit development (PBD) is a type of balanced housing development that allows increases in gross floor area and impervious surface area in return for the creation of 10% of the units as affordable housing.
Standards for approval	The SPGA may only grant a special permit if it makes a determination that the proposed development is consistent with the standards and criteria set forth in § 9.4.2 and the additional criteria in §135-6.9.19 of the Town Code.
	A special permit issued by a special permit granting authority shall require a vote of at least four members of a five-member board per MGL C.40a §9.
Waivers	No Waivers Requested

Property Information	
Zoning District	RS - Single Family
Property Size	1.74 acres or 76,070 Square Feet
Existing Conditions	12 Summit Road is improved with a two-story single-family dwelling, two retaining walls towards the back of the lot near Bridal Path, various retaining walls towards the front of the lot, and a driveway with two outlets. The property has a driveway easement with 8 Summit Road for the North most driveway located on the lots of both 12 Summit Road and 8 Summit road. The landscape of the lot includes unique features designed by Frederick Law Olmsted, Jr, consisting of trees, shrubs, gardens, rock walls, a rock patio which covers the area of a once standing observatory tower.
Environmental Conditions	The property is not associated with any wetlands or conservation areas.

Project Summary
The 1.74-acre property contains an existing dwelling which is currently under Historic Commission jurisdiction. On February 18, 2021, the Historic Commission imposed a one-year demolition delay on the structure. The Applicant is requesting approval of a definitive public benefit special permit residential development plan which proposes the addition of four single-family dwellings and the split of the existing dwelling into a two-family duplex. The Applicant intends to keep the shell of the existing building and renovate the interior. The proposed dwelling on lot A would gain access to their lot directly from Summit, while the remaining 5 dwellings will gain access through a shared common driveway. The proposed shared driveway appears to be utilizing the existing access easement through 8 Summit Road. Lots G and F will be designated as common open space and will be improved with light landscaping. The Lot G will remain as it currently is, and includes various stone retaining walls, and a stone stairway leading to a circular stone foundation left from a wooden observation tower. The northern most duplex unit is to be designated as an affordable unit per section 135-6.9.7 (3) of the

Lexington Zoning Bylaw. In order to be considered a public benefit development 10% of the units must be affordable.

Comments

- We are happy to see that the Applicant has kept the view of the original house open from the street. Language requiring this street view to be maintained should be considered for the decision and in the HOA documents.
- All proposed dwellings meet zoning setbacks for the RS - Single Family Zone.
- A fire hydrant is shown on the proposed plans near the left unit on Lot B.
- Details of GFA's of each of the proposed units should be provided on the development table so to demonstrate compliance to Sections 6.9.9 and 6.9.7.
- Details of the impervious surfaces for each unit, and common areas and driveway should be provided on the Development Table.
- The applicant is encouraged to consider include a garage in the affordable unit to remain consistent with the proposed market rate dwellings.
- The Applicant should add the existing access easement through 8 Summit Road to the plans.
- The Applicant should confirm the extent of the existing access easement through the property of 8 Summit to ensure the easement will support the addition of 5 dwellings. The Applicant should show proof that the proposed plans will not infringe on this access easement.
- In the alternative, the applicant should consider redesigning the existing driveway to eliminate the need for an access easement through 8 Summit.
- The Applicant should quantify the number of trees and amount of diameter as calculated by Chapter 120 of the bylaws being removed and the amount being replaced. The final planting list shall match the new planting regulations found on the Planning Board's website:
- Per the Town's tree bylaw, remaining trees shall be protected at the drip line.
- The two back dwellings are located very close to the existing retaining wall which will remain. The Applicant should make sure there will not be adjustments needed to the plan due to failure or inadequacy of the existing retaining wall. These existing walls will need an evaluation before any building permit are issued.
- The proposed construction driveway should not infringe on the existing stone walls. This was discussed at DRT and should be corrected on the approved plans.
- Construction vehicles will not be allowed to park on Summit Road. The Applicant should provide a construction vehicle parking and staging area plan to be reviewed by the Planning Board and included in the approved plans. The lot's existing water pipes were installed between 1916 and 1922 and were lined CL-CI in 1991.
- Sewer services should connect to main street sewer system instead of proposed sewer hole connection. The Applicant should check will Engineering for clarity.
- The Applicant should add the width of the proposed shared driveway, driveway outlet, and fire truck turnaround areas. The minimum width should not be less than 20'.
- The Applicant should provide a fire truck turn diagram using the Town's largest truck specs.

- A utility pole is shown in the middle of the existing driveway. This should be moved.
- Given the topography and surficial geology, it will be imperative to control run-off. The Applicant should make an effort to minimize impervious surface.
- Test pits show bedrock throughout the site. The Applicant has been advised to minimize blasting where possible. The Provision of the Chapter 80 - the noise bylaw must be followed.
- The northern most duplex unit is designated as an affordable unit per section 135-6.9.7 (3) of the Lexington Zoning Bylaw.
- The Applicant should submit drafts of legally binding documents that insure the affordable unit will continue to be available to eligible households in perpetuity. The affordable unit shall be subject to maximum household income established for that unit, based on the area median income (AMI) as annually determined by the U.S. Department of Housing and Urban Development, assuming one more person in the household than the number of bedrooms in the unit. Eligible households shall have incomes no greater than 80% of the AMI.
- At least 33% of the developable site area in a BHD or PBD shall be set aside as common open space. A maximum of 20% of common open space may be devoted to parking or structures used for, or accessory to, active outdoor recreation, provided such parking or structures are consistent with the open space uses of such land. The Applicant intends to designate Lot G (28,579 SF) and Lot F (5,558 SF) as open space to meet the minimum amount of required common open space. The Applicant should provide draft documents describing ownership, protection and maintenance of the common open space.
- It was understood at the Design Review Team meeting that the applicant plans to have all six units be part of a condominium association and the Applicant intends on creating a home owners' association. This is not clear on the plans as the property rights plan show individual lots. The property right plan shall represent the type of ownership intended. The Applicant shall provide draft documents (master deed, HOA, covenant, easement) where applicable for planning board review. If any land is to be subdivided, those parcels should be detailed with metes and bounds on the property rights plan.
- If the property is to be condominium, the Applicant might want to consider building lot A separate from the condominium association but still part of the special permit
- Elevation drawings are missing from the application. If the Applicant is not providing the elevation drawings, then a waiver must be requested. Given the important views from the street, it is suggested that elevation drawings be provided. The Applicant should be prepared to discuss how the proposed buildings will be design to "go with" the original structure.